

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MICHAEL PALM, JAMES FOGHORN,
RAY MADRID, CHRISTOPHER
TORRES, SKIP MARQUARDT,
GUADALUPE AVILA, JANET
HILL-KING, KAREN HERRERA,
ANTHONY CORDOVA, ERIC ALLEN,
MISTI CARMICHAEL, RENE
SWANBERG, DEBBIE PADILLA,
JOSEPH TRUJEQUE, REYNA
MARTINEZ, ROBERT CANDELARIA,
MICHAEL LENDINO, DANIEL JANZEN,
STEPHEN PERKINS, ANTHONY
CANDELARIA, LEE JONES, ADAM
TORRES, CLINTON CHRISTISON,
ENOCK ARVIZO, JUAN MUNIZ,
SHELLY BARTON, and RODNEY
HOGHES on their own behalf and on
behalf of all others similarly situated,**

Plaintiffs,

No. 09-CV-397 MCA-LAM

vs.

**THE BOARD OF COUNTY COMMISSIONERS
OF BERNALILLO COUNTY,**

Defendant.

STIPULATED JUDGMENT

PURSUANT to the joint motion of the parties for approval and entry of stipulated judgment, for the reasons stated therein, and in the interests of justice, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has reviewed the Motion to Approve Settlement, Affidavit of Counsel, and proposed form of judgment, and finds that this case presents contested issues as to the compensability of the unpaid work allegedly performed, the scope and amount of that work, if

any, the willfulness of Defendant's violation of law, if any (affecting whether a two or three-year statute of limitations would apply), and whether the Defendant acted in good faith (affecting whether Plaintiffs would or would not be entitled to liquidated damages);

2. The Court finds that in light of the disputed and undecided factual and legal issues the settlement is fair and reasonable to both the Plaintiffs and Defendant;

3. The Court further finds that the amounts to be paid as attorney fees and costs are reasonable and fair to the Plaintiffs;

4. Judgment is entered for the Plaintiffs and each of them in the amounts shown as follows:

<u>Name</u>	<u>Amount</u>
ABEITA, DEBRA K.	\$2,259.19
ALLEN, ERIC R.	\$4,950.43
ALLEN, RONNIE	\$7,881.13
ANDRIOLI, FABIAN	\$5,356.46
ANDRIOLI, KAREN	\$4,258.10
ARAGON, JOHN L.	\$4,684.95
ARAGON, JUSTIN J.	\$624.66
ARMIJO, BOBBY M.	\$7,433.45
ARVIZO-PEREZ, ENOCK	\$7,881.13
ASBURY, ERIC D.	\$7,469.89
AVILA, GUADALUPE	\$7,881.13
AVILA, MICHAEL R.	\$7,881.13
BALDONADO, URIAH S.	\$978.63
BARKA, FRANK J.	\$614.25
BARNES, JEREMY M.	\$5,720.84
BARNES, LARRY R.	\$3,930.15
BARTON, SHELLY R.	\$7,881.13
BELL, GUADALUPE	\$390.41
BRAWLEY, SCOTT C.	\$2,285.21
BURNS, DAVID J.	\$343.56
CAMPOS, RUDY A.	\$7,881.13
CANDELARIA JR, ROBERT	\$7,881.13

CANDELARIA, ANTHONY P.	\$7,881.13
CANDELARIA, ROBERT G.	\$4,039.47

<u>Name</u>	<u>Amount</u>
CANO, JAMES A.	\$6,012.35
CARDOZA, JOSE A.	\$1,452.33
CARMICHAEL, MISTI D.	\$7,881.13
CARRIER, DALE C.	\$1,650.14
CASANOVA, JORGE	\$1,405.49
CASAUS, DOMONIC	\$7,881.13
CHAVEZ, FRANK R.	\$1,369.05
CHRISTISON, CLINTON T.	\$7,881.13
CONTRERAS, GABRIEL A.	\$7,881.13
CORDOVA, ANTHONY C.	\$7,881.13
CRUZ, ALBERTO	\$838.09
DELGADO ROSARIO, JOSE A.	\$2,686.04
DRINKA, GERALD	\$7,881.13
DURAN, MICHAEL B.	\$6,001.94
DURAN, ROSALIE M.	\$7,881.13
EDGMON, DAVID	\$593.43
FILES, SHEILA	\$7,881.13
FLORES, LEONARDO	\$7,881.13
FLORES, PAT	\$7,881.13
FOGHORN, JAMES	\$5,486.60
GALBRAITH, DANIELLE J.	\$1,499.18
GAMBOA, LISA L.	\$6,704.68
GARCIA, CHRISTINA L.	\$5,866.60
GARCIA, ERIC	\$5,184.68
GARCIA, KENDRA	\$7,537.56
GARCIA, OSCAR	\$7,881.13
GONZALES, FLOYD L.	\$4,138.37
GRANT, AHMAD	\$879.73
HARROWER, MICHAEL W.	\$3,388.78

HAVENS, RACHAEL N.	\$7,881.13
HERNANDEZ, CRISTOBAL L.	\$7,881.13
HERNANDEZ, TANYA R.	\$7,797.84
HERRERA-BACA, KAREN T.	\$4,159.19
HERZOG, JAMES	\$385.21
HEUKER, MICHAEL K.	\$3,243.03
HILL, LINDA L.	\$7,881.13
HILL-KING, JANET L.	\$7,881.13
HODGES, RODNEY	\$7,881.13
HOPINKAH, MARJORIE E.	\$1,910.42
JACKSON, MARY A.	\$7,881.13
JANZEN, DANIEL A.	\$6,085.23

<u>Name</u>	<u>Amount</u>
JARAMILLO, ANTHONY R.	\$4,846.32
JEFFERSON, JAMES A.	\$5,793.72
JOHNSON, LEE	\$1,316.99
JONES, LEE	\$4,440.29
KINGSTON, JOAN	\$7,881.13
LAWRENCE, MITCHELL W.	\$1,343.02
LENDINO, MICHAEL R.	\$7,881.13
LEPPERT, TAMARA	\$6,741.12
LEWIS, ANDREW F.	\$6,704.68
LUCERO, CHRISTOPHER A.	\$4,612.07
LUCERO, EVELINA T.	\$7,881.13
LUCERO, MARIE F.	\$1,332.61
MADRID, RAYMOND E.	\$7,881.13
MAEZ, DANIEL B.	\$3,201.38
MARQUARDT, SKIP H.	\$7,881.13
MARTINEZ, ANDREW L.	\$806.85
MARTINEZ, JOE	\$6,918.11
MARTINEZ, REYNA L.	\$7,881.13

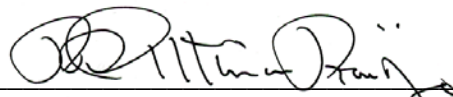
MARTINEZ, SUSAN D.	\$7,881.13
MILLER, DEBORAH M.	
	\$5,866.05
MODGLING, JOSHUA D.	
	\$7,397.02
MONTOYA, MELANEY S.	
	\$7,881.13
MONTOYA, SAMUEL J.	
	\$104.11
MORA, TIMOTHY A.	\$7,881.13
MORENO, JULIAN G.	\$7,990.44
MUNIZ RODRIGUEZ, JONATHAN	
	\$7,881.13
MUNIZ RODRIGUEZ, JUAN	
	\$7,881.13
MUNOZ, MARTIN	\$5,122.21
OREJEL, MAURICIO A.	\$5,720.84
ORTIZ, MERLE	\$7,881.13
PACHECO, LAWRENCE J.	
	\$7,881.13
PADILLA, DEBBIE L.	\$7,881.13
PALM, MICHAEL P.	\$7,881.13
PENNYCUFF, MARCUS W.	
	\$7,870.72
PENNYCUFF, WILLIAM D.	
	\$7,881.13
PEREZ, ANGEL S.	\$7,881.13
PERKINS, STEPHEN F.	\$7,881.13
POWELL, GARY C.	\$858.91
PURPURA, JASON M.	\$7,881.13
QUINONES, ELVIN R.	\$1,504.39
REIDELL, JOHN R.	\$6,085.23
<u>Name</u>	<u>Amount</u>
RINGING SHIELD, JUSTIN C.	
	\$7,251.26
RODRIGUEZ, CHRISTIE R.	
	\$5,970.71
RODRIGUEZ SANCHEZ, DIGNO J.	
	\$7,881.13
SANCHEZ, DENISE M.	\$7,881.13
SANCHEZ, JANE F.	\$7,881.13
SANCHEZ, TANYA M.	
	\$7,881.13
SEDILLO, MATTHEW J.	
	\$3,747.96

SENA, ANGELA M.	\$7,881.13
SIMPSON, EDDIE L.	\$7,881.13
SISNEROS, DANIEL T.	\$7,881.13
SMITH, JOSHUA L.	\$2,805.76
SMITH, TIMOTHY D.	\$7,881.13
SOTO, KENNETH N.	\$3,617.82
SWANBERG, RENE E.	\$6,704.68
TAFOYA, LARRY	\$286.30
TANUZ, RORY P.	\$5,866.60
TAYLOR, JEFFREY D.	\$603.84
TORRES, CHRISTOPHER J.	\$7,881.13
TORREZ, ADAM	\$6,996.19
TRUJEQUE, JOSEPH P.	\$7,881.13
TRUJILLO, CYNTHIA (GUTIERREZ)	\$7,881.13
VALLEJOS, RICHARD J.	\$1,108.77
VIGIL, LOUISA M.	\$6,704.68
VIGIL, SAMUEL	\$1,113.98
VIGIL, SHARON L.	\$7,881.13
WARRIOR, BLANE	\$7,881.13
WILLIAMSON, ROBERT	\$936.99
YOUNG, TERRANCE A.	\$978.63

5. Judgment is entered for Plaintiffs for an award of attorney fees, including Gross Receipts Tax, in the amount of \$248,742.93. The sum of \$4,145.37 shall also be paid by Defendant to counsel for Plaintiffs representing costs and expenses in the case.

IT IS FURTHER ORDERED that Plaintiffs' Complaint, and all counts stated therein, in this case be and hereby is DISMISSED WITH PREJUDICE.

DATED this 9th day of December, 2010.



The Honorable M. Christina Armijo
United States District Court Judge

Submitted by:

YOUTZ & VALDEZ, P.C.

_____/s/_____
Shane Youtz
900 Gold Avenue SW
Albuquerque, NM 87102
(505) 244-1200 – Telephone

James Piotrowski
HERZFELD & PIOTROWSKI
824 W. Franklin
Boise, ID 83701
(208) 331-9200 – Telephone

Counsel for Plaintiffs

Approved by:

**BOARD OF COUNTY COMMISSIONER OF
BERNALILLO COUNTY**

Approved via email 12/3/10

Peter Auh

Assistant County Attorney

Bernalillo County

520 Lomas Blvd. NW, 4th Floor

Albuquerque, NM 87102

Counsel for Defendant